

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 * * *

4 RONALD J. ALLISON,

Case No. 2:21-cv-01600-GMN-EJY

5 Plaintiff,

6 v.

7 ERIC BOSSI, SARAH DAMAS, et al.,

REPORT AND RECOMMENDATION

8 Defendants.

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10 On August 30, 2021, Plaintiff, an inmate in the custody of the Stein Forensic Unit, filed what
11 appears to be a proposed complaint thereby initiating a civil action in this Court. ECF No. 1-1.
12 Plaintiff did not pay the \$402 filing fee, nor did he file an application to proceed *in forma pauperis*.

13 On September 3, 2021, the Court granted Plaintiff a one-time extension to file a fully
14 complete application to proceed *in forma pauperis* or, in the alternative, pay the \$402 filing fee for
15 this action on or before November 2, 2021. ECF No. 4. The Court noted that it would recommend
16 dismissal of this case, without prejudice, if Plaintiff failed to timely file a complete application to
17 proceed *in forma pauperis* or pay the full \$402 filing fee.¹ *Id.* To date, Plaintiff has not filed a
18 complete *in forma pauperis* application; nor has he paid the \$402 filing fee.

19 Accordingly, IT IS HEREBY RECOMMENDED that this matter be dismissed without
20 prejudice for failure to comply with this Court's September 3, 2021 Order.

21 DATED this 3rd day of November, 2021.

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24 ELAYNA J. YOUCHAH
25 UNITED STATES MAGISTRATE JUDGE
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1 Dismissing this action without prejudice allows Plaintiff to refile this case with the Court, under a new case
number, when Plaintiff submits either a fully complete *in forma pauperis* application or pays the full \$402 filing fee.

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).